IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

WRIT PETITION NO : 25043 of 2004

Between:

Shri Khaja Azizuddin, S/o. Late Khaja Aleemuddin,
R/o. H.No. 5-6-419, Yousufain Dargha, Nampally, Hyderabad.

..... PETITIONER

AND

1 The Union of India, Rep. by its Secretary, Ministry of Defence, New Delhi.
2 Station Commander Estate Officer under Central Act, No.40 of 1947, Head Quarters Andhra Sub-area,
Tirumalgiri, Secunderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction particularly one in the nature of WRIT OF CERTIORARI calling for the records connected to the impugned proceedings Case No.3995/1/JAKI/A/Q3L/2003 dt. 09-10-2004 passed by the 2nd respondent and conequential notice in Form-B dt. 01-11-2004, quash the same as ilelgal, arbitrary, unsustainable in law and contrary to the provisions of public premises eviction of unauthorized occupants Act,1971.

Counsel for the Petitioner: MR.P.SRINIVASULU

Counsel for the Respondents: MR.ARAJASHEKAR REDDY (SC FOR CG)

The Court at the stage of admission made the following :

THE HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION NO.25043 OF 2004

ORDER:

Heard the learned counsel for the petitioner as well as the learned Standing Counsel appearing on behalf of the respondents and with their consent the writ petition is disposed of at the admission stage.

It is submitted by the learned Standing Counsel for the respondents that as against the impugned order passed by the second respondent, the petitioner has an alternative remedy provided under Section 9 of the Public Premises (Eviction of unauthorized Occupants) Act, 1971, before the Chief Judge, City Civil Court, Hyderabad.

If that be so, I deem it appropriate to dispose of the writ petition with the following direction.

The petitioner is directed to avail the remedy as provided under Section 9 of the Act against the impugned order, before the Chief Judge, City Civil Court, Hyderabad within a period of four weeks from today and on such filing, the Chief Judge, City Civil Court is directed to consider the matter and dispose of the same expeditiously, in accordance with law. Till then status quo obtaining as on today shall be maintained by the parties.

The writ petition is accordingly disposed of. No costs.

30.12.2004.

Note:

Issue operative portion by wire.

B/o.

Ksr/mdaa.

Copy to:

1 The Union of India, Rep. by its Secretary, Ministry of Defence, New Delhi.
2 Station Commander Estate Officer under Central Act, No.40 of 1947, Head Quarters Andhra Sub-area,
Tirumalgiri, Secunderabad.

3. Two C.D.copies.